



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-HQ-IA-2023-0022; FXIA16710900000-234-FF09A30000]

Marine Mammal Protection Act; Receipt of Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit application; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), invite the public to comment on an application to conduct certain activities with marine mammals for which the Service has jurisdiction under the Marine Mammal Protection Act (MMPA). With some exceptions, the MMPA prohibits activities with marine mammals unless Federal authorization is issued that allows such activities. The MMPA also requires that we invite public comment before issuing permits for any activity that is otherwise prohibited with respect to any marine mammal.

DATES: We must receive comments by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: *Obtaining Documents:* The application, application supporting materials, and any comments and other materials that we receive will be available for public inspection at <https://www.regulations.gov> in Docket No. FWS-HQ-IA-2023-0022.

Submitting Comments: You may submit comments by one of the following methods:

- *Internet:* <https://www.regulations.gov>. Search for and submit comments on Docket No. FWS-HQ-IA-2023-0022.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS-HQ-IA-2023-0022; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

For more information, see **Public Comment Procedures** under **SUPPLEMENTARY**

INFORMATION.

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, by phone at 703-358-2185 or via email at *DMAFR@fws.gov*. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How Do I Comment on Submitted Applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on this application. Before issuing any requested permit, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email, or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

B. May I Review Comments Submitted by Others?

You may view and comment on others' public comments at <https://www.regulations.gov> unless our allowing so would violate the Privacy Act (5

U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

C. Who Will See My Comments?

If you submit a comment at <https://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 104(c) of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the MMPA prohibits certain activities with marine mammals unless Federal authorization is issued that allows such activities. Service regulations regarding permits for any activity otherwise prohibited by the MMPA with respect to any foreign or native marine mammal species are available in title 50 of the Code of Federal Regulations in part 18.

Concurrent with publishing this notice in the *Federal Register*, we are forwarding copies of this marine mammal application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

III. Permit Application

We invite comments on the following application.

Applicant: U.S. Fish and Wildlife Service, Alaska Marine Mammals Management Office, Anchorage, AK; Permit No. 041309

The applicant requests a renewal and amendment of their permit to capture, recapture, release, collect carcasses of, import or export parts of, hold, anesthetize, flipper tag, PIT tag, collect samples of, transport, use radio transmitter for location of, use time-depth recorders for study of, use LX2 and TDR transmitters for study of, conduct benthic surveys of using CTD and underwater cameras, deploy passive acoustic monitors for study of, and conduct ensonification studies of up to 200 northern sea otters (*Enhydra lutris kenyoni*) annually, for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed in this notice, we will publish a notice in the *Federal Register*. You may locate the notice announcing the permit issuance by searching <https://www.regulations.gov> for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to <https://www.regulations.gov> and search for “12345A”.

V. Authority

We issue this notice under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and its implementing regulations.

Brenda Tapia,
Supervisory Program Analyst/Data Administrator,
Branch of Permits, Division of Management Authority.